

HELEN F. DALTON & ASSOCIATES, P.C.
ATTORNEYS AT LAW

80-02 Kew Gardens Road, Suite 601, Kew Gardens, NY 11415
Tel. (718) 263-9591 Fax. (718) 263-9598

October 4, 2022

Via ECF:

The Honorable Ronnie Abrams, U.S.D.J.
United States District Court
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: Gonzalez et al v. Raguboy Corp. d/b/a Supper Restaurant, et al.
Civil Docket No.: 22-cv-03607 (RA)

Dear Judge Abrams:

Our office represents the three Plaintiffs, Lorenzo Alvarez Gonzalez, Javier Diaz Plaza, and Erick Alvarez, individually and on behalf of all others similarly situated (“Plaintiffs”) in this FLSA matter, and we respectfully submit this letter motion, jointly with Defense Counsel, to respectfully request an extension of time for the parties to file their anticipated motion for settlement approval pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015) (the “Motion”).

As a preliminary matter, this is first such request for an extension of time on this matter, which counsel for the Defendants has consented to, and which is necessary, as explained below. Moreover, this request does not affect any other scheduled dates or deadlines on this matter.

Pursuant to the Court’s June 29, 2022 Mediation Referral Order (*see* Dkt. No. 14), the Plaintiffs, and the Defendants, Raguboy Corp. d/b/a Supper Restaurant, and Frank Prisinzano, and Anis Oueslati, as individuals (collectively, “Defendants”) attended a Court annexed mediation session on September 1, 2022, at which the parties reached a settlement on all claims asserted herein by all Plaintiffs.

On September 6, 2022, the Court issued an Order, directing, *inter alia*, that: “[n]o later than October 6, 2022, the parties shall take one of the following actions,” as outlined therein, including, submitting of “a joint letter setting forth their views as to why their settlement is fair and reasonable and should be approved” (*see* Dkt. No. 16).

The reason the instant request is being made, however, is that our office was closed on various days during September and October, as well as during this week, in observance of religion holidays (observed by most of our attorneys and staff). Therefore, we will

require additional time in order to draft, review, and file the parties' anticipated Motion and related settlement submissions, and to review same with our respective clients.

Therefore, we respectfully request that the Court grant the parties' instant request for an extension of time to file their above-referenced settlement submissions, and anticipate three (3) weeks being sufficient time to do so. If this request is granted, the parties can comply with the directives in the Court's September 6, 2022 Order by October 25, 2022.

We thank the Court for its kind consideration on this matter, and we remain available to provide any additional information.

Respectfully submitted,

/s/
James O'Donnell, Esq.

CC:


Gregg Lowell Brochin
Davis & Gilbert LLP
1740 Broadway
New York, NY 10019
(212) 468-4800

Email: gbrochin@dglaw.com

ATTORNEY TO BE NOTICED FOR DEFENDANTS

Application granted.

SO ORDERED.


Hon. Ronnie Abrams
10/5/2022